



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
701 S. COURTHOUSE ROAD, SUITE 1001
ARLINGTON, VA 22204-2490

██████████
Docket No. 2582-22
Ref: Signature Date

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Dear ██████████:

This is in reference to your application for correction of your naval record pursuant to Section 1552 of Title 10, United States Code. After careful and conscientious consideration of relevant portions of your naval record and your application, the Board for Correction of Naval Records (Board) found the evidence submitted insufficient to establish the existence of probable material error or injustice. Consequently, your application has been denied.

A three-member panel of the Board, sitting in executive session, considered your application on 2 June 2022. The names and votes of the members of the panel will be furnished upon request. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your applications, together with all material submitted in support thereof, relevant portions of your naval record and applicable statutes, regulations, and policies.

The Board carefully considered your request to remove your 10 September 2019 Administrative Remarks (Page 11) 6105 counseling entry. The Board considered your contention that removal of the Page 11 6105 entry is warranted because the punishment was disproportionate to your actions and because Headquarters Marine Corps (MMEA-1) did not furnish the requested policy clarification prior to the issuance of the counseling. The Board considered your assertion that, although requested, you and your Commanding Officer did not receive official determination of non-compliance from MMEA-1 regarding your most recent tattoo, which was obtained in an area on your arm where your full arm sleeve was previously grandfathered on 28 July 2016. You assert that you got the new tattoo during “sleeves up” with no intent to deceive or hide it due to the understanding that the area surrounding your full arm sleeve had been grandfathered.

The Board noted that your tattoos documented in the 28 July 2016 Page 11 entry were not in compliance with the 2 June 2016 Marine Corps Tattoo Policy (MCBul 1020), but were “grandfathered” by the issuance of the Page 11 entry. On 15 May 2018, you certified that all of your tattoos were accurately documented in accordance with MCBul 1020, and grandfathered per the 28 July 2016 Page 11 entry. The Board determined that, when you added a new tattoo to

a prohibited area of your arm, you were in violation of the applicable tattoo policy, and therefore in violation of Article 92 of the Uniform Code of Military Justice.

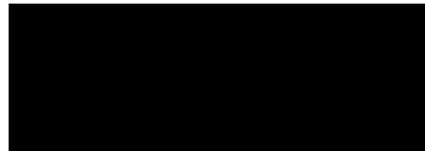
The Board thus determined that the issuing officer was well within his discretionary authority to issue the Page 11 6105 counseling, and that the counseling entry creates a permanent record of matters your Commanding Officer deemed significant enough to document. The Board also determined the entry met the 6105 counseling requirements detailed in MCO 1900.16 (MARCORSEPMAN). Specifically, the Board noted the entry provided written notification concerning your deficiencies, specific recommendations for corrective action indicating any assistance available, a comprehensive explanation of the consequences of failure to successfully take the recommended corrective action, and a reasonable opportunity to undertake the recommended corrective action, and you were afforded an opportunity to submit a written rebuttal. The Board thus concluded there is insufficient evidence of material error or injustice warranting removal of your contested Page 11 6105 counseling entry.

The Board did not consider your request to modify or remove your 19 April 2019 to 30 September 2019 Fitness Report, as you did not exhaust all administrative measures by first petitioning the Headquarters Marine Corps Performance Evaluation Board (PERB).

You are entitled to have the Board reconsider its decision upon submission of new matters, which will require you to complete and submit a new DD Form 149. New matters are those not previously presented to or considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

6/21/2022

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Deputy Director

Signed by:

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